

107TH CONGRESS  
1ST SESSION

# H. R. 1900

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2001

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Juvenile Justice and Delinquency Prevention Act of  
4 2001”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
6 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings.  
Sec. 3. Purpose.  
Sec. 4. Definitions.  
Sec. 5. Concentration of Federal effort.  
Sec. 6. Coordinating Council on Juvenile Justice and Delinquency Prevention.  
Sec. 7. Annual report.  
Sec. 8. Allocation.  
Sec. 9. State plans.  
Sec. 10. Juvenile delinquency prevention block grant program.  
Sec. 11. Research; evaluation; technical assistance; training.  
Sec. 12. Demonstration projects.  
Sec. 13. Authorization of appropriations.  
Sec. 14. Administrative authority.  
Sec. 15. Use of funds.  
Sec. 16. Limitation on use of funds.  
Sec. 17. Rules of construction.  
Sec. 18. Leasing surplus Federal property.  
Sec. 19. Issuance of rules.  
Sec. 20. Content of materials.  
Sec. 21. Technical and conforming amendments.  
Sec. 22. Effective date; application of amendments.

7 **SEC. 2. FINDINGS.**

8 Section 101 of the Juvenile Justice and Delinquency  
9 Prevention Act of 1974 (42 U.S.C. 5601) is amended to  
10 read as follows:

11 “FINDINGS

12 “SEC. 101. (a) The Congress finds the following:

13 “(1) Although the juvenile violent crime arrest  
14 rate in 1999 was the lowest in the decade, there re-  
15 mains a consensus that the number of crimes and

1 the rate of offending by juveniles nationwide is still  
2 too high.

3 “(2) According to the Office of Juvenile Justice  
4 and Delinquency Prevention, allowing 1 youth to  
5 leave school for a life of crime and of drug abuse  
6 costs society \$1,700,000 to \$2,300,000 annually.

7 “(3) One in every 6 individuals (16.2 percent)  
8 arrested for committing violent crime in 1999 was  
9 less than 18 years of age. In 1999, juveniles ac-  
10 counted for 9 percent of murder arrests, 17 percent  
11 of forcible rape arrests, 25 percent of robbery arrest,  
12 14 percent of aggravated assault arrests, and 24  
13 percent of weapons arrests.

14 “(4) More than 1/2 of juvenile murder victims  
15 are killed with firearms. Of the nearly 1,800 murder  
16 victims less than 18 years of age, 17 percent of the  
17 victims less than 13 years of age were murdered  
18 with a firearm, and 81 percent of the victims 13  
19 years of age or older were killed with a firearm.

20 “(5) Juveniles accounted for 13 percent of all  
21 drug abuse violation arrests in 1999. Between 1990  
22 and 1999, juvenile arrests for drug abuse violations  
23 rose 132 percent.

24 “(6) Over the last 3 decades, youth gang prob-  
25 lems have increased nationwide. In the 1970’s, 19

1 States reported youth gang problems. By the late  
2 1990's, all 50 States and the District of Columbia  
3 reported gang problems. For the same period, the  
4 number of cities reporting youth gang problems grew  
5 843 percent, and the number of counties reporting  
6 gang problems increased more than 1,000 percent.

7 “(7) According to a national crime survey of in-  
8 dividuals 12 years of age or older during 1999, those  
9 12 to 19 years old are victims of violent crime at  
10 higher rates than individuals in all other age groups.  
11 Only 30.8 percent of these violent victimizations  
12 were reported by youth to police in 1999.

13 “(8) One-fifth of juveniles 16 years of age who  
14 had been arrested were first arrested before attain-  
15 ing 12 years of age. Juveniles who are known to the  
16 juvenile justice system before attaining 13 years of  
17 age are responsible for a disproportionate share of  
18 serious crimes and violence.

19 “(9) The increase in the arrest rates for girls  
20 and young juvenile offenders has changed the com-  
21 position of violent offenders entering the juvenile  
22 justice system.

23 “(10) These problems should be addressed  
24 through a 2-track common sense approach that ad-

1 dresses the needs of individual juveniles and society  
2 at large by promoting—

3 “(A) quality prevention programs that—

4 “(i) work with juveniles, their fami-  
5 lies, local public agencies, and community-  
6 based organizations, and take into consid-  
7 eration such factors as whether or not ju-  
8 veniles have been the victims of family vio-  
9 lence (including child abuse and neglect);  
10 and

11 “(ii) are designed to reduce risks and  
12 develop competencies in at-risk juveniles  
13 that will prevent, and reduce the rate of,  
14 violent delinquent behavior; and

15 “(B) programs that assist in holding juve-  
16 niles accountable for their actions and in devel-  
17 oping the competencies necessary to become re-  
18 sponsible and productive members of their com-  
19 munities, including a system of graduated sanc-  
20 tions to respond to each delinquent act, requir-  
21 ing juveniles to make restitution, or perform  
22 community service, for the damage caused by  
23 their delinquent acts, and methods for increas-  
24 ing victim satisfaction with respect to the pen-  
25 alties imposed on juveniles for their acts.

**16 SEC. 3. PURPOSE.**

20 “PURPOSES

23 “(1) to support State and local programs that  
24 prevent juvenile involvement in delinquent behavior;

1 “(2) to assist State and local governments in  
2 promoting public safety by encouraging account-  
3 ability for acts of juvenile delinquency; and

4 “(3) to assist State and local governments in  
5 addressing juvenile crime through the provision of  
6 technical assistance, research, training, evaluation,  
7 and the dissemination of information on effective  
8 programs for combating juvenile delinquency.”.

9 **SEC. 4. DEFINITIONS.**

10 Section 103 of the Juvenile Justice and Delinquency  
11 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

12 (1) in paragraph (3) by striking “to help pre-  
13 vent juvenile delinquency” and inserting “designed  
14 to reduce known risk factors for juvenile delinquent  
15 behavior, provides activities that build on protective  
16 factors for, and develop competencies in, juveniles to  
17 prevent, and reduce the rate of, delinquent juvenile  
18 behavior”,

19 (2) in paragraph (4) by inserting “title I of”  
20 before “the Omnibus” each place it appears,

21 (3) in paragraph (7) by striking “the Trust  
22 Territory of the Pacific Islands,”,

23 (4) in paragraph (12)(B) by striking “, of any  
24 nonoffender,”,

1           (5) in paragraph (13)(B) by striking “, any  
2 nonoffender,”

3           (6) in paragraph (14) by inserting “drug traf-  
4 ficking,” after “assault,”

5           (7) in paragraph (16)—

6                 (A) in subparagraph (A) by adding “and”  
7 at the end, and

8                 (B) by striking subparagraph (C),

9           (8) in paragraph (22)—

10                 (A) by redesignating subparagraphs (i),  
11 (ii), and (iii) as subparagraphs (A), (B), and  
12 (C), respectively, and

13                 (B) by striking “and” at the end,

14           (9) in paragraph (23) by striking the period at  
15 the end and inserting a semicolon, and

16           (10) by adding at the end the following:

17                 “(24) the term ‘graduated sanctions’ means an  
18 accountability-based, graduated series of sanctions  
19 (including incentives, treatment, and services) appli-  
20 cable to juveniles within the juvenile justice system  
21 to hold such juveniles accountable for their actions  
22 and to protect communities from the effects of juve-  
23 nile delinquency by providing appropriate sanctions  
24 for every act for which a juvenile is adjudicated de-  
25 linquent, by inducing their law-abiding behavior, and



1 by preventing their subsequent involvement with the  
2 juvenile justice system;

3 “(25) the term ‘prohibited physical contact’  
4 means—

5 “(i) any physical contact between a  
6 juvenile and an adult inmate; and

7 “(ii) proximity that provides an op-  
8 portunity for physical contact between a  
9 juvenile and an adult inmate;

10 “(26) the term ‘sustained oral and visual con-  
11 tact’ means the imparting or interchange of speech  
12 by or between an adult inmate and a juvenile, or  
13 clear visual contact between an adult inmate and a  
14 juvenile in close proximity, but does not include—

15 “(A) brief communication or brief visual  
16 contact that is accidental or incidental; or

17 “(B) sounds or noises that cannot reason-  
18 ably be considered to be speech;

19 “(27) the term ‘adult inmate’ means an indi-  
20 vidual who—

21 “(A) has reached the age of full crimi-  
22 nal responsibility under applicable State  
23 law; and

24 “(B) has been arrested and is in cus-  
25 tody for or awaiting trial on a criminal

1 charge, or is convicted of a criminal of-  
2 fense;

3 “(28) the term ‘violent crime’ means—

4 “(A) murder or nonnegligent man-  
5 slaughter, forcible rape, or robbery, or

6 “(B) aggravated assault committed with  
7 the use of a firearm;

8 “(29) the term ‘collocated facilities’ means fa-  
9 cilities that are located in the same building, or are  
10 part of a related complex of buildings located on the  
11 same grounds; and

12 “(30) the term ‘related complex of buildings’  
13 means 2 or more buildings that share—

14 “(A) physical features, such as walls and  
15 fences, or services beyond mechanical services  
16 (heating, air conditioning, water and sewer); or

17 “(B) the specialized services that are al-  
18 lowable under section 31.303(e)(3)(i)(C)(3) of  
19 title 28 of the Code of Federal Regulations, as  
20 in effect on December 10, 1996.”.

21 **SEC. 5. CONCENTRATION OF FEDERAL EFFORT.**

22 Section 204 of the Juvenile Justice and Delinquency  
23 Prevention Act of 1974 (42 U.S.C. 5614) is amended—

24 (1) in subsection (b)—

1 (A) in paragraph (3) by striking “and of  
2 the prospective” and all that follows through  
3 “administered”,

4 (B) in paragraph (5) by striking “parts C  
5 and D” each place it appears and inserting  
6 “parts D and E”, and

7 (C) by amending paragraph (7) to read as  
8 follows:

9 “(7) not later than 1 year after the date of the  
10 enactment of this paragraph, issue model standards  
11 for providing mental health care to incarcerated ju-  
12 veniles.”,

13 (2) in subsection (c) by striking “and reports”  
14 and all that follows through “this part”, and insert-  
15 ing “as may be appropriate to prevent the duplica-  
16 tion of efforts, and to coordinate activities, related to  
17 the prevention of juvenile delinquency”,

18 (3) by striking subsection (i), and

19 (4) by redesignating subsection (h) as sub-  
20 section (f).

21 **SEC. 6. COORDINATING COUNCIL ON JUVENILE JUSTICE**  
22 **AND DELINQUENCY PREVENTION.**

23 Section 206(c)(2)(B) of the Juvenile Justice and De-  
24 linquency Prevention Act of 1974 (42 U.S.C.

1 5616(c)(2)(B)) is amended by striking “Education and  
2 Labor” and inserting “Education and the Workforce”.

3 **SEC. 7. ANNUAL REPORT.**

4 Section 207 of the Juvenile Justice and Delinquency  
5 Prevention Act of 1974 (42 U.S.C. 5617) is amended by  
6 striking paragraphs (4) and (5), and inserting the fol-  
7 lowing:

8 “(4) An evaluation of the programs funded  
9 under this title and their effectiveness in reducing  
10 the incidence of juvenile delinquency, particularly  
11 violent crime, committed by juveniles.”.

12 **SEC. 8. ALLOCATION.**

13 Section 222 of the Juvenile Justice and Delinquency  
14 Prevention Act of 1974 (42 U.S.C. 5632) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (A)—

18 (I) by striking “(other than parts  
19 D and E)”,

20 (II) by striking “amount, up to  
21 \$400,000,” and inserting “amount up  
22 to \$400,000”,

23 (III) by striking “1992” the 1st  
24 place it appears and inserting  
25 “2000,”,

- 1 (IV) by striking “1992” the last  
2 place it appears and inserting “2000”,  
3 (V) by striking “the Trust Terri-  
4 tory of the Pacific Islands,” and  
5 (VI) by striking “amount, up to  
6 \$100,000,” and inserting “amount up  
7 to \$100,000”,  
8 (ii) in subparagraph (B)—  
9 (I) by striking “(other than part  
10 D)”,  
11 (II) by striking “\$400,000” and  
12 inserting “\$600,000”,  
13 (III) by striking “or such greater  
14 amount, up to \$600,000” and all that  
15 follows through “section 299(a) (1)  
16 and (3)”,  
17 (IV) by striking “the Trust Ter-  
18 ritory of the Pacific Islands,”  
19 (V) by striking “amount, up to  
20 \$100,000,” and inserting “amount up  
21 to \$100,000”, and  
22 (VI) by striking “1992” and in-  
23 serting “2000”,  
24 (B) in paragraph (3)—

- 1 (i) by striking “allot” and inserting  
2 “allocate”, and  
3 (ii) by striking “1992” each place it  
4 appears and inserting “2000”, and  
5 (2) in subsection (b) by striking “the Trust  
6 Territory of the Pacific Islands,”.

7 **SEC. 9. STATE PLANS.**

- 8 Section 223 of the Juvenile Justice and Delinquency  
9 Prevention Act of 1974 (42 U.S.C. 5633) is amended—  
10 (1) in subsection (a)—  
11 (A) in the 2d sentence by striking “and  
12 challenge” and all that follows through “part  
13 E”, and inserting “, projects, and activities”,  
14 (B) in paragraph (3)—  
15 (i) by striking “, which—” and insert-  
16 ing “that—”,  
17 (ii) in subparagraph (A)—  
18 (I) by striking “not less” and all  
19 that follows through “33”, and insert-  
20 ing “the attorney general of the State  
21 or such other State official who has  
22 primary responsibility for overseeing  
23 the enforcement of State criminal  
24 laws, and”,

1 (II) by inserting “, in consulta-  
2 tion with the attorney general of the  
3 State or such other State official who  
4 has primary responsibility for over-  
5 seeing the enforcement of State crimi-  
6 nal laws” after “State”,

7 (III) in clause (i) by striking “or  
8 the administration of juvenile justice”  
9 and inserting “, the administration of  
10 juvenile justice, or the reduction of ju-  
11 venile delinquency”,

12 (IV) in clause (ii) by striking “in-  
13 clude—” and all that follows through  
14 the semicolon at the end of subclause  
15 (VIII), and inserting the following:

16 “represent a multidisciplinary approach to  
17 addressing juvenile delinquency and may  
18 include—

19 “(I) individuals who represent  
20 units of general local government, law  
21 enforcement and juvenile justice agen-  
22 cies, public agencies concerned with  
23 the prevention and treatment of juve-  
24 nile delinquency and with the adju-  
25 dication of juveniles, juveniles, or non-

1 profit private organizations, particu-  
2 larly such organizations that serve ju-  
3 veniles; and

4 “(II) such other individuals as  
5 the chief executive officer considers to  
6 be appropriate; and”, and

7 (V) by striking clauses (iv) and  
8 (v),  
9 (iii) in subparagraph (D)—

10 (I) in clause (i) by inserting  
11 “and” at the end,

12 (II) in clause (ii) by striking  
13 “paragraphs” and all that follows  
14 through “part E”, and inserting  
15 “paragraphs (11), (12), and (13)”,  
16 and

17 (III) by striking clause (iii), and  
18 (iv) in subparagraph (E) by striking  
19 “title—” and all that follows through  
20 “(ii)” and inserting “title,”,

21 (C) in paragraph (5)—

22 (i) in the matter preceding subpara-  
23 graph (A) by striking “, other than” and  
24 inserting “reduced by the percentage (if  
25 any) specified by the State under the au-



1           thority of paragraph (25) and excluding”,  
2           and

3                   (ii) in subparagraph (C) by striking  
4           “paragraphs (12)(A), (13), and (14)” and  
5           inserting “paragraphs (11), (12), and  
6           (13)”,

7           (D) by striking paragraph (6),

8           (E) in paragraph (7) by inserting “, in-  
9           cluding in rural areas” before the semicolon at  
10          the end,

11          (F) in paragraph (8)—

12                  (i) in subparagraph (A)—

13                          (I) by striking “for (i)” and all  
14                          that follows through “relevant juris-  
15                          diction”, and inserting “for an anal-  
16                          ysis of juvenile delinquency problems  
17                          in, and the juvenile delinquency con-  
18                          trol and delinquency prevention needs  
19                          (including educational needs) of, the  
20                          State”, and

21                          (II) by striking “of the jurisdic-  
22                          tion; (ii)” and all that follows through  
23                          the semicolon at the end, and insert-  
24                          ing “of the State; and”,

1 (ii) by amending subparagraph (B) to  
2 read as follows:

3 “(B) contain—

4 “(i) a plan for providing needed gender-  
5 specific services for the prevention and treat-  
6 ment of juvenile delinquency;

7 “(ii) a plan for providing needed services  
8 for the prevention and treatment of juvenile de-  
9 linquency in rural areas; and

10 “(iii) a plan for providing needed mental  
11 health services to juveniles in the juvenile jus-  
12 tice system, including information on how such  
13 plan is being implemented and how such serv-  
14 ices will be targeted to those juveniles in such  
15 system who are in greatest need of such serv-  
16 ices;”, and

17 (iii) by striking subparagraphs (C)  
18 and (D),

19 (G) by amending paragraph (9) to read as  
20 follows:

21 “(9) provide for the coordination and maximum  
22 utilization of existing juvenile delinquency programs,  
23 programs operated by public and private agencies  
24 and organizations, and other related programs (such

1 as education, special education, recreation, health,  
2 and welfare programs) in the State;”,

3 (H) in paragraph (10)—

4 (i) in subparagraph (A)—

5 (I) by striking “, specifically”

6 and inserting “including”,

7 (II) by striking clause (i), and

8 (III) redesignating clauses (ii)

9 and (iii) as clauses (i) and (ii), respec-

10 tively,

11 (ii) by amending subparagraph (D) to

12 read as follows:

13 “(D) programs that provide treatment to

14 juvenile offenders who are victims of child

15 abuse or neglect, and to their families, in order

16 to reduce the likelihood that such juvenile of-

17 fenders will commit subsequent violations of

18 law;”,

19 (iii) in subparagraph (E)—

20 (I) by redesignating clause (ii) as

21 clause (iii), and

22 (II) by striking “juveniles, pro-

23 vided” and all that follows through

24 “provides; and”, and inserting the fol-

25 lowing:

1 “juveniles—

2 “(i) to encourage juveniles to remain  
3 in elementary and secondary schools or in  
4 alternative learning situations;

5 “(ii) to provide services to assist juve-  
6 niles in making the transition to the world  
7 of work and self-sufficiency; and”,

8 (iv) by amending subparagraph (F) to  
9 read as follows:

10 “(F) expanding the use of probation  
11 officers—

12 “(i) particularly for the purpose of  
13 permitting nonviolent juvenile offenders  
14 (including status offenders) to remain at  
15 home with their families as an alternative  
16 to incarceration or institutionalization; and

17 “(ii) to ensure that juveniles follow  
18 the terms of their probation;”,

19 (v) by amending subparagraph (G) to  
20 read as follows:

21 “(G) one-on-one mentoring programs that  
22 are designed to link at-risk juveniles and juve-  
23 nile offenders, particularly juveniles residing in  
24 high-crime areas and juveniles experiencing  
25 educational failure, with responsible adults

(such as law enforcement officers, Department of Defense personnel, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;”,

(vii) in subparagraph (H) by striking “handicapped youth” and inserting “juveniles with disabilities”,

(viii) by striking subparagraph (K),

(ix) in subparagraph (L)—

(I) in clause (iv) by adding “and” at the end,

(II) in clause (v) by striking “and” at the end, and

(III) by striking clause (vi),

(x) in subparagraph (M) by striking “boot camps”,

(xi) by amending subparagraph (N) to read as follows:

“(N) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;”,

(xii) in subparagraph (O)—

1 (I) in striking “cultural” and in-  
2 serting “other”, and

3 (II) by striking the period at the  
4 end and inserting a semicolon,

5 (xiii) by redesignating subparagraphs  
6 (L), (M), (N), and (O) as subparagraphs  
7 (K), (L), (M), and (N), respectively; and

8 (xiv) by adding at the end the fol-  
9 lowing:

10 “(O) programs designed to prevent and to  
11 reduce hate crimes committed by juveniles;

12 “(P) after-school programs that provide at-  
13 risk juveniles and juveniles in the juvenile jus-  
14 tice system with a range of age-appropriate ac-  
15 tivities, including tutoring, mentoring, and  
16 other educational and enrichment activities;

17 “(Q) community-based programs that pro-  
18 vide follow-up post-placement services to adju-  
19 dicated juveniles, to promote successful re-  
20 integration into the community;

21 “(R) projects designed to develop and im-  
22 plement programs to protect the rights of juve-  
23 niles affected by the juvenile justice system; and

24 “(S) programs designed to provide mental  
25 health services for incarcerated juveniles sus-

1           pected to be in need of such services, including  
2           assessment, development of individualized treat-  
3           ment plans, and discharge plans.”,

4           (I) by amending paragraph (12) to read as  
5           follows:

6           “(12) shall, in accordance with rules issued by  
7           the Administrator, provide that—

8           “(A) juveniles who are charged with or  
9           who have committed an offense that would not  
10          be criminal if committed by an adult,  
11          excluding—

12           “(i) juveniles who are charged with or  
13           who have committed a violation of section  
14           922(x)(2) of title 18, United States Code,  
15           or of a similar State law;

16           “(ii) juveniles who are charged with or  
17           who have committed a violation of a valid  
18           court order; and

19           “(iii) juveniles who are held in accord-  
20           ance with the Interstate Compact on Juve-  
21           niles as enacted by the State;

22          shall not be placed in secure detention facilities  
23          or secure correctional facilities; and

24          “(B) juveniles—

1 “(i) who are not charged with any of-  
2 fense; and

3 “(ii) who are—

4 “(I) aliens; or

5 “(II) alleged to be dependent, ne-  
6 glected, or abused;

7 shall not be placed in secure detention facilities  
8 or secure correctional facilities;”,

9 (J) by amending paragraph (13) to read as  
10 follows:

11 “(13) provide that—

12 “(A) juveniles alleged to be or found to be  
13 delinquent or juveniles within the purview of  
14 paragraph (11) will not be detained or confined  
15 in any institution in which they have prohibited  
16 physical contact or sustained oral and visual  
17 contact with adult inmates; and

18 “(B) there is in effect in the State a policy  
19 that requires individuals who work with both  
20 such juveniles and such adult inmates, includ-  
21 ing in colocated facilities, have been trained  
22 and certified to work with juveniles;”,

23 (K) by amending paragraph (14) to read  
24 as follows:



1           “(14) provide that no juvenile will be detained  
2           or confined in any jail or lockup for adults except—

3                   “(A) juveniles who are accused of non-  
4                   status offenses and who are detained in such  
5                   jail or lockup for a period not to exceed 6  
6                   hours—

7                           “(i) for processing or release;

8                           “(ii) while awaiting transfer to a juve-  
9                           nile facility; or

10                           “(iii) in which period such juveniles  
11                           make a court appearance;

12                   and only if such juveniles do not have prohib-  
13                   ited physical contact or sustained oral and vis-  
14                   ual contact with adults inmates and only if  
15                   there is in effect in the State a policy that re-  
16                   quires individuals who work with both such ju-  
17                   veniles and adult inmates in colocated facilities  
18                   have been trained and certified to work with ju-  
19                   veniles;

20                           “(B) juveniles who are accused of non-  
21                           status offenses, who are awaiting an initial  
22                           court appearance that will occur within 48  
23                           hours after being taken into custody (excluding  
24                           Saturdays, Sundays, and legal holidays), and  
25                           who are detained in a jail or lockup—

1 “(i) in which—

2 “(I) such juveniles do not have  
3 prohibited physical contact or sus-  
4 tained oral and visual contact with  
5 adults inmates; and

6 “(II) there is in effect in the  
7 State a policy that requires individ-  
8 uals who work with both such juve-  
9 niles and adults inmates in colocated  
10 facilities have been trained and cer-  
11 tified to work with juveniles; and

12 “(ii) that—

13 “(I) is located outside a metro-  
14 politan statistical area (as defined by  
15 the Office of Management and Budg-  
16 et) and has no existing acceptable al-  
17 ternative placement available;

18 “(II) is located where conditions  
19 of distance to be traveled or the lack  
20 of highway, road, or transportation do  
21 not allow for court appearances within  
22 48 hours (excluding Saturdays, Sun-  
23 days, and legal holidays) so that a  
24 brief (not to exceed an additional 48  
25 hours) delay is excusable; or

1 “(III) is located where conditions  
2 of safety exist (such as severe adverse,  
3 life-threatening weather conditions  
4 that do not allow for reasonably safe  
5 travel), in which case the time for an  
6 appearance may be delayed until 24  
7 hours after the time that such condi-  
8 tions allow for reasonable safe travel;

9 “(C) juveniles who are accused of non-  
10 status offenses and who are detained not to ex-  
11 ceed 20 days in a jail or lockup that satisfies  
12 the requirements of subparagraph (B)(i) if—

13 “(i) such jail or lockup—

14 “(I) is located outside a metro-  
15 politan statistical area (as defined by  
16 the Office of Management and Budg-  
17 et); and

18 “(II) has no existing acceptable  
19 alternative placement available;

20 “(ii) a parent or other legal guardian  
21 (or guardian ad litem) of the juvenile in-  
22 volved, in consultation with the counsel  
23 representing the juvenile, consents to de-  
24 taining such juvenile in accordance with

1           this subparagraph and has the right to re-  
2           voke such consent at any time;

3           “(iii) the juvenile has counsel, and the  
4           counsel representing such juvenile—

5           “(I) consults with the parents of  
6           the juvenile to determine the appro-  
7           priate placement of the juvenile; and

8           “(II) has an opportunity to  
9           present the juvenile’s position regard-  
10          ing the detention involved to the court  
11          before the court approves such deten-  
12          tion;

13          “(iv) the court hears from the juvenile  
14          before court approval of such placement;  
15          and

16          “(v) detaining such juvenile in accord-  
17          ance with this subparagraph is—

18          “(I) approved in advance by a  
19          court with competent jurisdiction that  
20          has determined that such placement is  
21          in the best interest of such juvenile;  
22          and

23          “(II) required to be reviewed pe-  
24          riodically and in the presence of the  
25          juvenile, at intervals of not more than

1                   5 days (excluding Saturdays, Sun-  
2                   days, and legal holidays), by such  
3                   court for the duration of detention;”,

4                   (L) in paragraph (15)—

5                   (i) by striking “paragraph (12)(A),  
6                   paragraph (13), and paragraph (14)” and  
7                   inserting “paragraphs (11), (12), and  
8                   (13)”, and

9                   (ii) by striking “paragraph (12)(A)  
10                  and paragraph (13)” and inserting “para-  
11                  graphs (11) and (12)”,

12                  (M) in paragraph (16) by striking “men-  
13                  tally, emotionally, or physically handicapping  
14                  conditions” and inserting “disability”,

15                  (N) by amending paragraph (19) to read  
16                  as follows:

17                  “(19) provide assurances that—

18                         “(A) any assistance provided under this  
19                         Act will not cause the displacement (including  
20                         a partial displacement, such as a reduction in  
21                         the hours of nonovertime work, wages, or em-  
22                         ployment benefits) of any currently employed  
23                         employee;

24                         “(B) activities assisted under this Act will  
25                         not impair an existing collective bargaining re-

1 relationship, contract for services, or collective  
2 bargaining agreement; and

3 “(C) no such activity that would be incon-  
4 sistent with the terms of a collective bargaining  
5 agreement shall be undertaken without the  
6 written concurrence of the labor organization  
7 involved;”,

8 (O) by amending paragraph (22) to read  
9 as follows:

10 “(22) provide that the State agency designated  
11 under paragraph (1) will—

12 “(A) to the extent practicable give priority  
13 in funding to programs and activities that are  
14 based on rigorous, systematic, and objective re-  
15 search that is scientifically based;

16 “(B) from time to time, but not less than  
17 annually, review its plan and submit to the Ad-  
18 ministrator an analysis and evaluation of the ef-  
19 fectiveness of the programs and activities car-  
20 ried out under the plan, and any modifications  
21 in the plan, including the survey of State and  
22 local needs, that it considers necessary; and

23 “(C) not expend funds to carry out a pro-  
24 gram if the recipient of funds who carried out  
25 such program during the preceding 2-year pe-

1           riod fails to demonstrate, before the expiration  
2           of such 2-year period, that such program  
3           achieved substantial success in achieving the  
4           goals specified in the application submitted by  
5           such recipient to the State agency;”,

6                   (P) by amending paragraph (23) to read  
7           as follows:

8           “(23) address juvenile delinquency prevention  
9           efforts and system improvement efforts designed to  
10          reduce, without establishing or requiring numerical  
11          standards or quotas, the disproportionate number of  
12          juvenile members of minority groups, who come into  
13          contact with the juvenile justice system;”,

14                  (Q) by amending paragraph (24) to read  
15          as follows:

16          “(24) provide that if a juvenile is taken into  
17          custody for violating a valid court order issued for  
18          committing a status offense—

19                  “(A) an appropriate public agency shall be  
20          promptly notified that such juvenile is held in  
21          custody for violating such order;

22                  “(B) not later than 24 hours during which  
23          such juvenile is so held, an authorized rep-  
24          resentative of such agency shall interview, in  
25          person, such juvenile; and

1           “(C) not later than 48 hours during which  
2           such juvenile is so held—

3           “(i) such representative shall submit  
4           an assessment to the court that issued  
5           such order, regarding the immediate needs  
6           of such juvenile; and

7           “(ii) such court shall conduct a hear-  
8           ing to determine—

9           “(I) whether there is reasonable  
10          cause to believe that such juvenile vio-  
11          lated such order; and

12          “(II) the appropriate placement  
13          of such juvenile pending disposition of  
14          the violation alleged;”,

15          (R) in paragraph (25)—

16          (i) by striking “1992” and inserting  
17          “2000”, and

18          (ii) by striking the period at the end  
19          and inserting a semicolon,

20          (S) by redesignating paragraphs (7)  
21          through (25) as paragraphs (6) through (24),  
22          respectively, and

23          (T) by adding at the end the following:

24          “(25) specify a percentage (if any), not to ex-  
25          ceed 5 percent, of funds received by the State under



1 section 222 (other than funds made available to the  
2 State advisory group under section 222(d)) that the  
3 State will reserve for expenditure by the State to  
4 provide incentive grants to units of general local gov-  
5 ernment that reduce the caseload of probation offi-  
6 cers within such units;

7 “(26) provide that the State, to the maximum  
8 extent practicable, will implement a system to ensure  
9 that if a juvenile is before a court in the juvenile jus-  
10 tice system, public child welfare records (including  
11 child protective services records) relating to such ju-  
12 venile that are on file in the geographical area under  
13 the jurisdiction of such court will be made known to  
14 such court;

15 “(27) establish policies and systems to incor-  
16 porate relevant child protective services records into  
17 juvenile justice records for purposes of establishing  
18 and implementing treatment plans for juvenile of-  
19 fenders; and

20 “(28) provide assurances that juvenile offenders  
21 whose placement is funded through section 472 of  
22 the Social Security Act (42 U.S.C. 672) receive the  
23 protections specified in section 471 of such Act (42  
24 U.S.C. 671), including a case plan and case plan re-

1 view as defined in section 475 of such Act (42  
2 U.S.C. 675).”,

3 (2) by amending subsection (c) to read as fol-  
4 lows:

5 “(c) If a State fails to comply with any of the applica-  
6 ble requirements of paragraphs (11), (12), (13), and (22)  
7 of subsection (a) in any fiscal year beginning after Sep-  
8 tember 30, 2001, then—

9 “(1) subject to paragraph (2), the amount allo-  
10 cated to such State under section 222 for the subse-  
11 quent fiscal year shall be reduced by not less than  
12 12.5 percent for each such paragraph with respect  
13 to which the failure occurs, and

14 “(2) the State shall be ineligible to receive any  
15 allocation under such section for such fiscal year  
16 unless—

17 “(A) the State agrees to expend 50 percent  
18 of the amount allocated to the State for such  
19 fiscal year to achieve compliance with any such  
20 paragraph with respect to which the State is in  
21 noncompliance; or

22 “(B) the Administrator determines that  
23 the State—

24 “(i) has achieved substantial compli-  
25 ance with such applicable requirements

1 with respect to which the State was not in  
2 compliance; and

3 “(ii) has made, through appropriate  
4 executive or legislative action, an unequivocal  
5 commitment to achieving full compliance  
6 with such applicable requirements  
7 within a reasonable time.”,

8 (3) in subsection (d)—

9 (A) by striking “allotment” and inserting  
10 “allocation”, and

11 (B) by striking “subsection (a) (12)(A),  
12 (13), (14) and (23)” each place it appears and  
13 inserting “paragraphs (11), (12), (13), and  
14 (22) of subsection (a)”, and

15 (4) by adding at the end the following:

16 “(e) Notwithstanding any other provision of law,  
17 the Administrator shall establish appropriate administrative  
18 and supervisory board membership requirements for  
19 a State agency designated under subsection (a)(1) and  
20 permit the State advisory group appointed under subsection  
21 (a)(3) to operate as the supervisory board for  
22 such agency, at the discretion of the chief executive officer  
23 of the State.”.

1 **SEC. 10. JUVENILE DELINQUENCY PREVENTION BLOCK**  
2 **GRANT PROGRAM.**

3 Title II of the Juvenile Justice and Delinquency Pre-  
4 vention Act of 1974 (42 U.S.C. 5611 et seq.) is  
5 amended—

6 (1) by striking parts C, D, E, F, G, and H,  
7 (2) by striking the 1st part I,  
8 (3) by redesignating the 2d part I as part F,  
9 and

10 (4) by inserting after part B the following:

11 **“PART C—JUVENILE DELINQUENCY PREVENTION**  
12 **BLOCK GRANT PROGRAM**

13 **“SEC. 241. AUTHORITY TO MAKE GRANTS.**

14 “(a) GRANTS TO ELIGIBLE STATES.—The Adminis-  
15 trator may make grants to eligible States, from funds allo-  
16 cated under section 242, for the purpose of providing fi-  
17 nancial assistance to eligible entities to carry out projects  
18 designed to prevent juvenile delinquency, including—

19 “(1) projects that provide treatment (including  
20 treatment for mental health problems) to juvenile of-  
21 fenders, and juveniles who are at risk of becoming  
22 juvenile offenders, who are victims of child abuse or  
23 neglect or who have experienced violence in their  
24 homes, at school, or in the community, and to their  
25 families, in order to reduce the likelihood that such  
26 juveniles will commit violations of law;

1           “(2) educational projects or supportive services  
2       for delinquent or other juveniles—

3           “(A) to encourage juveniles to remain in  
4       elementary and secondary schools or in alter-  
5       native learning situations in educational set-  
6       tings;

7           “(B) to provide services to assist juveniles  
8       in making the transition to the world of work  
9       and self-sufficiency;

10          “(C) to assist in identifying learning dif-  
11       ficulties (including learning disabilities);

12          “(D) to prevent unwarranted and arbitrary  
13       suspensions and expulsions;

14          “(E) to encourage new approaches and  
15       techniques with respect to the prevention of  
16       school violence and vandalism;

17          “(F) which assist law enforcement per-  
18       sonnel and juvenile justice personnel to more ef-  
19       fectively recognize and provide for learning-dis-  
20       abled and other juveniles with disabilities;

21          “(G) which develop locally coordinated  
22       policies and programs among education, juve-  
23       nile justice, and social service agencies; or

1           “(H) to provide services to juveniles with  
2           serious mental and emotional disturbances  
3           (SED) in need of mental health services;

4           “(3) projects which expand the use of probation  
5           officers—

6           “(A) particularly for the purpose of per-  
7           mitting nonviolent juvenile offenders (including  
8           status offenders) to remain at home with their  
9           families as an alternative to incarceration or in-  
10          stitutionalization; and

11          “(B) to ensure that juveniles follow the  
12          terms of their probation;

13          “(4) one-on-one mentoring projects that are de-  
14          signed to link at-risk juveniles and juvenile offenders  
15          who did not commit serious crime, particularly juve-  
16          niles residing in high-crime areas and juveniles experi-  
17          encing educational failure, with responsible adults  
18          (such as law enforcement officers, adults working  
19          with local businesses, and adults working for com-  
20          munity-based organizations and agencies) who are  
21          properly screened and trained;

22          “(5) community-based projects and services (in-  
23          cluding literacy and social service programs) which  
24          work with juvenile offenders and juveniles who are  
25          at risk of becoming juvenile offenders, including

1       those from families with limited English-speaking  
2       proficiency, their parents, their siblings, and other  
3       family members during and after incarceration of  
4       the juvenile offenders, in order to strengthen fami-  
5       lies, to allow juvenile offenders to be retained in  
6       their homes, and to prevent the involvement of other  
7       juvenile family members in delinquent activities;

8               “(6) projects designed to provide for the treat-  
9       ment (including mental health services) of juveniles  
10      for dependence on or abuse of alcohol, drugs, or  
11      other harmful substances;

12             “(7) projects which leverage funds to provide  
13      scholarships for postsecondary education and train-  
14      ing for low-income juveniles who reside in neighbor-  
15      hoods with high rates of poverty, violence, and drug-  
16      related crimes;

17             “(8) projects which provide for an initial intake  
18      screening of each juvenile taken into custody—

19               “(A) to determine the likelihood that such  
20      juvenile will commit a subsequent offense; and

21               “(B) to provide appropriate interventions  
22      (including mental health services) to prevent  
23      such juvenile from committing subsequent of-  
24      fenses;

1           “(9) projects (including school- or community-  
2           based projects) that are designed to prevent, and re-  
3           duce the rate of, the participation of juveniles in  
4           gangs that commit crimes (particularly violent  
5           crimes), that unlawfully use firearms and other  
6           weapons, or that unlawfully traffic in drugs and that  
7           involve, to the extent practicable, families and other  
8           community members (including law enforcement per-  
9           sonnel and members of the business community) in  
10          the activities conducted under such projects;

11          “(10) comprehensive juvenile justice and delin-  
12          quency prevention projects that meet the needs of  
13          juveniles through the collaboration of the many local  
14          service systems juveniles encounter, including  
15          schools, courts, law enforcement agencies, child pro-  
16          tection agencies, mental health agencies, welfare  
17          services, health care agencies (including collabora-  
18          tion on appropriate prenatal care for pregnant juve-  
19          nile offenders), private nonprofit agencies, and pub-  
20          lic recreation agencies offering services to juveniles;

21          “(11) to develop, implement, and support, in  
22          conjunction with public and private agencies, organi-  
23          zations, and businesses, projects for the employment  
24          of juveniles and referral to job training programs



1 (including referral to Federal job training pro-  
2 grams);

3 “(12) delinquency prevention activities which  
4 involve youth clubs, sports, recreation and parks,  
5 peer counseling and teaching, the arts, leadership  
6 development, community service, volunteer service,  
7 before- and after-school programs, violence preven-  
8 tion activities, mediation skills training, camping,  
9 environmental education, ethnic or cultural enrich-  
10 ment, tutoring, and academic enrichment;

11 “(13) to establish policies and systems to incor-  
12 porate relevant child protective services records into  
13 juvenile justice records for purposes of establishing  
14 treatment plans for juvenile offenders;

15 “(14) programs that encourage social com-  
16 petencies, problem-solving skills, and communication  
17 skills, youth leadership, and civic involvement;

18 “(15) programs that focus on the needs of  
19 young girls at-risk of delinquency or status offenses;

20 “(16) projects which provide for—

21 “(A) an assessment by a qualified mental  
22 health professional of incarcerated juveniles  
23 who are suspected to be in need of mental  
24 health services;

1           “(B) the development of an individualized  
2           treatment plan for those incarcerated juveniles  
3           determined to be in need of such services;

4           “(C) the inclusion of a discharge plan for  
5           incarcerated juveniles receiving mental health  
6           services that addresses aftercare services; and

7           “(D) all juveniles receiving psychotropic  
8           medications to be under the care of a licensed  
9           mental health professional;

10          “(17) after-school programs that provide at-risk  
11          juveniles and juveniles in the juvenile justice system  
12          with a range of age-appropriate activities, including  
13          tutoring, mentoring, and other educational and en-  
14          richment activities;

15          “(18) programs related to the establishment  
16          and maintenance of a school violence hotline, based  
17          on a public-private partnership, that students and  
18          parents can use to report suspicious, violent, or  
19          threatening behavior to local school and law enforce-  
20          ment authorities;

21          “(19) programs (excluding programs to pur-  
22          chase guns from juveniles) designed to reduce the  
23          unlawful acquisition and illegal use of guns by juve-  
24          niles, including partnerships between law enforce-  
25          ment agencies, health professionals, school officials,

1 firearms manufacturers, consumer groups, faith-  
2 based groups and community organizations;

3 “(20) programs designed to prevent animal cru-  
4 elty by juveniles and to counsel juveniles who com-  
5 mit animal cruelty offenses, including partnerships  
6 among law enforcement agencies, animal control of-  
7 ficers, social services agencies, and school officials;

8 “(21) programs that provide suicide prevention  
9 services for incarcerated juveniles and for juveniles  
10 leaving the incarceration system;

11 “(22) programs to establish partnerships be-  
12 tween State educational agencies and local edu-  
13 cational agencies for the design and implementation  
14 of character education and training programs that  
15 reflect the values of parents, teachers, and local  
16 communities, and incorporate elements of good char-  
17 acter, including honesty, citizenship, courage, jus-  
18 tice, respect, personal responsibility, and trust-  
19 worthiness;

20 “(23) programs that foster strong character de-  
21 velopment in at-risk juveniles and juveniles in the  
22 juvenile justice system;

23 “(24) local programs that provide for imme-  
24 diate psychological evaluation and follow-up treat-  
25 ment (including evaluation and treatment during a

1        mandatory holding period for not less than 24  
2        hours) for juveniles who bring a gun on school  
3        grounds without permission from appropriate school  
4        authorities; and

5            “(25) other activities that are likely to prevent  
6        juvenile delinquency.

7        “(b) GRANTS TO ELIGIBLE INDIAN TRIBES.—The  
8        Administrator may make grants to eligible Indian tribes  
9        from funds allocated under section 242(b), to carry out  
10       projects of the kinds described in subsection (a).

11    **“SEC. 242. ALLOCATION.**

12        “(a) ALLOCATION AMONG ELIGIBLE STATES.—Sub-  
13       ject to subsection (b), funds appropriated to carry out this  
14       part shall be allocated among eligible States proportion-  
15       ately based on the population that is less than 18 years  
16       of age in the eligible States.

17        “(b) ALLOCATION AMONG INDIAN TRIBES COLLEC-  
18       TIVELY.—Before allocating funds under subsection (a)  
19       among eligible States, the Administrator shall allocate  
20       among eligible Indian tribes as determined under section  
21       246(a), an aggregate amount equal to the amount such  
22       tribes would be allocated under subsection (a), and with-  
23       out regard to this subsection, if such tribes were treated  
24       collectively as an eligible State.

1 **“SEC. 243. ELIGIBILITY OF STATES.**

2       “(a) APPLICATION.—To be eligible to receive a grant  
3 under section 241, a State shall submit to the Adminis-  
4 trator an application that contains the following:

5               “(1) An assurance that the State will use—

6                       “(A) not more than 5 percent of such  
7 grant, in the aggregate, for—

8                               “(i) the costs incurred by the State to  
9 carry out this part; and

10                               “(ii) to evaluate, and provide technical  
11 assistance relating to, projects and activi-  
12 ties carried out with funds provided under  
13 this part; and

14                       “(B) the remainder of such grant to make  
15 grants under section 244.

16       “(2) An assurance that, and a detailed descrip-  
17 tion of how, such grant will supplement, and not  
18 supplant State and local efforts to prevent juvenile  
19 delinquency.

20       “(3) An assurance that such application was  
21 prepared after consultation with and participation by  
22 the State advisory group, community-based organi-  
23 zations, and organizations in the local juvenile jus-  
24 tice system, that carry out programs, projects, or ac-  
25 tivities to prevent juvenile delinquency.

1           “(4) An assurance that the State advisory  
2           group will be afforded the opportunity to review and  
3           comment on all grant applications submitted to the  
4           State agency.

5           “(5) An assurance that each eligible entity de-  
6           scribed in section 244 that receives an initial grant  
7           under section 244 to carry out a project or activity  
8           shall also receive an assurance from the State that  
9           such entity will receive from the State, for the subse-  
10          quent fiscal year to carry out such project or activ-  
11          ity, a grant under such section in an amount that  
12          is proportional, based on such initial grant and on  
13          the amount of the grant received under section 241  
14          by the State for such subsequent fiscal year, but  
15          that does not exceed the amount specified for such  
16          subsequent fiscal year in such application as ap-  
17          proved by the State.

18          “(6) Such other information and assurances as  
19          the Administrator may reasonably require by rule.

20          “(b) APPROVAL OF APPLICATIONS.—

21                 “(1) APPROVAL REQUIRED.—Subject to para-  
22                 graph (2), the Administrator shall approve an appli-  
23                 cation, and amendments to such application sub-  
24                 mitted in subsequent fiscal years, that satisfy the re-  
25                 quirements of subsection (a).

1           “(2) LIMITATION.—The Administrator may not  
2       approve such application (including amendments to  
3       such application) for a fiscal year unless—

4           “(A)(i) the State submitted a plan under  
5       section 223 for such fiscal year; and

6           “(ii) such plan is approved by the Adminis-  
7       trator for such fiscal year; or

8           “(B) the Administrator waives the applica-  
9       tion of subparagraph (A) to such State for such  
10      fiscal year, after finding good cause for such a  
11      waiver.

12   **“SEC. 244. GRANTS FOR LOCAL PROJECTS.**

13       “(a) GRANTS BY STATES.—Using a grant received  
14   under section 241, a State may make grants to eligible  
15   entities whose applications are received by the State, and  
16   reviewed by the State advisory group, to carry out projects  
17   and activities described in section 241.

18       “(b) SPECIAL CONSIDERATION.—For purposes of  
19   making grants under subsection (a), the State shall give  
20   special consideration to eligible entities that—

21           “(1) propose to carry out such projects in geo-  
22      graphical areas in which there is—

23           “(A) a disproportionately high level of seri-  
24      ous crime committed by juveniles; or

1                   “(B) a recent rapid increase in the number  
2                   of nonstatus offenses committed by juveniles;

3                   “(2)(A) agreed to carry out such projects or ac-  
4                   tivities that are multidisciplinary and involve more  
5                   than 2 private nonprofit agencies, organizations, and  
6                   institutions that have experience dealing with juve-  
7                   niles; or

8                   “(B) represent communities that have a com-  
9                   prehensive plan designed to identify at-risk juveniles  
10                  and to prevent or reduce the rate of juvenile delin-  
11                  quency, and that involve other entities operated by  
12                  individuals who have a demonstrated history of in-  
13                  volvement in activities designed to prevent juvenile  
14                  delinquency; and

15                  “(3) the amount of resources (in cash or in  
16                  kind) such entities will provide to carry out such  
17                  projects and activities.

18 **“SEC. 245. ELIGIBILITY OF ENTITIES.**

19                  “(a) ELIGIBILITY.—Except as provided in subsection  
20 (b), to be eligible to receive a grant under section 244,  
21 a unit of general purpose local government, acting jointly  
22 with not fewer than 2 private nonprofit agencies, organiza-  
23 tions, and institutions that have experience dealing with  
24 juveniles, shall submit to the State an application that  
25 contains the following:



1           “(1) An assurance that such applicant will use  
2           such grant, and each such grant received for the  
3           subsequent fiscal year, to carry out throughout a 2-  
4           year period a project or activity described in reason-  
5           able detail, and of a kind described in one or more  
6           of paragraphs (1) through (25) of section 241(a) as  
7           specified in, such application.

8           “(2) A statement of the particular goals such  
9           project or activity is designed to achieve, and the  
10          methods such entity will use to achieve, and assess  
11          the achievement of, each of such goals.

12          “(3) A statement identifying the research (if  
13          any) such entity relied on in preparing such applica-  
14          tion.

15          “(b) LIMITATION.—If an eligible entity that receives  
16          a grant under section 244 to carry out a project or activity  
17          for a 2-year period, and receives technical assistance from  
18          the State or the Administrator after requesting such tech-  
19          nical assistance (if any), fails to demonstrate, before the  
20          expiration of such 2-year period, that such project or such  
21          activity has achieved substantial success in achieving the  
22          goals specified in the application submitted by such entity  
23          to receive such grants, then such entity shall not be eligi-  
24          ble to receive any subsequent grant under such section to  
25          continue to carry out such project or activity.

1 **“SEC. 246. GRANTS TO INDIAN TRIBES.**

2 “(a) ELIGIBILITY.—

3 “(1) APPLICATION.—To be eligible to receive a  
4 grant under section 241(b), an Indian tribe shall  
5 submit to the Administrator an application in ac-  
6 cordance with this section, in such form and con-  
7 taining such information as the Administrator may  
8 require by rule.

9 “(2) PLANS.—Such application shall include a  
10 plan for conducting programs, projects, and activi-  
11 ties described in section 241(a), which plan shall—

12 “(A) provide evidence that the applicant  
13 Indian tribe performs law enforcement func-  
14 tions (as determined by the Secretary of the In-  
15 terior);

16 “(B) identify the juvenile justice and delin-  
17 quency problems and juvenile delinquency pre-  
18 vention needs to be addressed by activities con-  
19 ducted with funds provided by the grant for  
20 which such application is submitted, by the In-  
21 dian tribe in the geographical area under the  
22 jurisdiction of the Indian tribe;

23 “(C) provide for fiscal control and account-  
24 ing procedures that—

25 “(i) are necessary to ensure the pru-  
26 dent use, proper disbursement, and ac-

1 counting of grants received by applicants  
2 under this section; and

3 “(ii) are consistent with the require-  
4 ment specified in subparagraph (B); and

5 “(D) comply with the requirements speci-  
6 fied in section 223(a) (excluding any require-  
7 ment relating to consultation with a State advi-  
8 sory group) and with the requirements specified  
9 in section 222(c); and

10 “(E) contain such other information, and  
11 be subject to such additional requirements, as  
12 the Administrator may reasonably require by  
13 rule to ensure the effectiveness of the projects  
14 for which grants are made under section  
15 241(b).

16 “(b) FACTORS FOR CONSIDERATION.—For the pur-  
17 pose of selecting eligible applicants to receive grants under  
18 section 241(b), the Administrator shall consider—

19 “(1) the resources that are available to each ap-  
20 plicant Indian tribe that will assist, and be coordi-  
21 nated with, the overall juvenile justice system of the  
22 Indian tribe; and

23 “(2) with respect to each such applicant—

24 “(A) the juvenile population; and

1           “(B) the population and the entities that  
2           will be served by projects proposed to be carried  
3           out with the grant for which the application is  
4           submitted.

5           “(c) GRANT PROCESS.—

6           “(1) SELECTION OF GRANT RECIPIENTS.—

7           “(A) SELECTION REQUIREMENTS.—Except  
8           as provided in paragraph (2), the Administrator  
9           shall—

10           “(i) make grants under this section on  
11           a competitive basis; and

12           “(ii) specify in writing to each appli-  
13           cant selected to receive a grant under this  
14           section, the terms and conditions on which  
15           such grant is made to such applicant.

16           “(B) PERIOD OF GRANT.—A grant made  
17           under this section shall be available for expendi-  
18           ture during a 2-year period.

19           “(2) EXCEPTION.—If—

20           “(A) in the 2-year period for which a grant  
21           made under this section shall be expended, the  
22           recipient of such grant applies to receive a sub-  
23           sequent grant under this section; and

24           “(B) the Administrator determines that  
25           such recipient performed during the year pre-

1           ceding the 2-year period for which such recipi-  
2           ent applies to receive such subsequent grant  
3           satisfactorily and in accordance with the terms  
4           and conditions applicable to the grant received;  
5           then the Administrator may waive the application of  
6           the competition-based requirement specified in para-  
7           graph (1)(A)(i) and may allow the applicant to in-  
8           corporate by reference in the current application the  
9           text of the plan contained in the recipient's most re-  
10          cent application previously approved under this sec-  
11          tion.

12           “(3) AUTHORITY TO MODIFY APPLICATION  
13          PROCESS FOR SUBSEQUENT GRANTS.—The Adminis-  
14          trator may modify by rule the operation of sub-  
15          section (a) with respect to the submission and con-  
16          tents of applications for subsequent grants described  
17          in paragraph (2).

18           “(d) REPORTING REQUIREMENT.—Each Indian tribe  
19          that receives a grant under this section shall be subject  
20          to the fiscal accountability provisions of section 5(f)(1) of  
21          the Indian Self-Determination and Education Assistance  
22          Act (25 U.S.C. 450c(f)(1)), relating to the submission of  
23          a single-agency audit report required by chapter 75 of title  
24          31, United States Code.

“(e) MATCHING REQUIREMENT.—(1) Funds appropriated for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

8       “(2) Paragraph (1) shall not apply with respect to  
9 funds appropriated before the date of the enactment of  
10 the Juvenile Justice and Delinquency Prevention Act of  
11 2001.

12       “(3) If the Administrator determines that an Indian  
13 tribe does not have sufficient funds available to meet the  
14 non-Federal share of the cost of any program or activity  
15 to be funded under the grant, the Administrator may in-  
16 crease the Federal share of the cost thereof to the extent  
17 the Administrator deems necessary.”.

18 SEC. 11. RESEARCH; EVALUATION; TECHNICAL ASSIST-  
19 ANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 10, the following:

1   **“PART D—RESEARCH; EVALUATION; TECHNICAL**  
2                   **ASSISTANCE; TRAINING**  
3   **“SEC. 251. RESEARCH AND EVALUATION; STATISTICAL**  
4                   **ANALYSES; INFORMATION DISSEMINATION.**

5           “(a) RESEARCH AND EVALUATION.—(1) The Admin-  
6   istrator may—

7                   “(A) plan and identify the purposes and goals  
8           of all agreements carried out with funds provided  
9           under this subsection; and

10                   “(B) conduct research or evaluation in juvenile  
11           justice matters, for the purpose of providing re-  
12           search and evaluation relating to—

13                           “(i) the prevention, reduction, and control  
14                   of juvenile delinquency and serious crime com-  
15                   mitted by juveniles;

16                           “(ii) the link between juvenile delinquency  
17                   and the incarceration of members of the fami-  
18                   lies of juveniles;

19                           “(iii) successful efforts to prevent first-  
20                   time minor offenders from committing subse-  
21                   quent involvement in serious crime;

22                           “(iv) successful efforts to prevent recidi-  
23                   vism;

24                           “(v) the juvenile justice system;

25                           “(vi) juvenile violence;

1           “(vii) appropriate mental health services  
2           for juveniles and youth at risk of participating  
3           in delinquent activities;

4           “(viii) reducing the proportion of juveniles  
5           detained or confined in secure detention facili-  
6           ties, secure correctional facilities, jails, and  
7           lockups who are members of minority groups;

8           “(ix) evaluating services, treatment, and  
9           aftercare placement of juveniles who were under  
10          the care of the State child protection system be-  
11          fore their placement in the juvenile justice sys-  
12          tem;

13          “(x) determining—

14               “(I) the frequency, seriousness, and  
15               incidence of drug use by youth in schools  
16               and communities in the States using, if ap-  
17               propriate, data submitted by the States  
18               pursuant to this subparagraph and sub-  
19               section (b); and

20               “(II) the frequency, degree of harm,  
21               and morbidity of violent incidents, particu-  
22               larly firearm-related injuries and fatalities,  
23               by youth in schools and communities in the  
24               States, including information with respect  
25               to—



1                   “(aa) the relationship between  
2                   victims and perpetrators;

3                   “(bb) demographic characteristics  
4                   of victims and perpetrators; and

5                   “(cc) the type of weapons used in  
6                   incidents, as classified in the Uniform  
7                   Crime Reports of the Federal Bureau  
8                   of Investigation; and

9                   “(xi) other purposes consistent with the  
10                  purposes of this title and title I.

11               “(2) The Administrator shall ensure that an equi-  
12               table amount of funds available to carry out paragraph  
13               (1)(B) is used for research and evaluation relating to the  
14               prevention of juvenile delinquency.

15               “(3) Nothing in this subsection shall be construed to  
16               permit the development of a national database of person-  
17               ally identifiable information on individuals involved in  
18               studies, or in data-collection efforts, carried out under  
19               paragraph (1)(B)(x).

20               “(4) Not later than 1 year after the date of en-  
21               actment of this paragraph, the Administrator shall  
22               conduct a study with respect to juveniles who, prior  
23               to placement in the juvenile justice system, were  
24               under the care or custody of the State child welfare  
25               system, and to juveniles who are unable to return to

1       their family after completing their disposition in the  
2       juvenile justice system and who remain wards of the  
3       State. Such study shall include—

4               “(A) the number of juveniles in each cat-  
5       egory;

6               “(B) the extent to which State juvenile  
7       justice systems and child welfare systems are  
8       coordinating services and treatment for such ju-  
9       veniles;

10              “(C) the Federal and local sources of  
11       funds used for placements and post-placement  
12       services;

13              “(D) barriers faced by State in providing  
14       services to these juveniles;

15              “(E) the types of post-placement services  
16       used;

17              “(F) the frequency of case plans and case  
18       plan reviews; and

19              “(G) the extent to which case plans iden-  
20       tify and address permanency and placement  
21       barriers and treatment plans.

22       “(b) STATISTICAL ANALYSES.—The Administrator  
23       may—

1           “(1) plan and identify the purposes and goals  
2           of all agreements carried out with funds provided  
3           under this subsection; and

4           “(2) undertake statistical work in juvenile jus-  
5           tice matters, for the purpose of providing for the col-  
6           lection, analysis, and dissemination of statistical  
7           data and information relating to juvenile delinquency  
8           and serious crimes committed by juveniles, to the ju-  
9           venile justice system, to juvenile violence, and to  
10          other purposes consistent with the purposes of this  
11          title and title I.

12          “(c) COMPETITIVE SELECTION PROCESS.—The Ad-  
13          ministrators shall use a competitive process, established by  
14          rule by the Administrator, to carry out subsections (a) and  
15          (b).

16          “(d) IMPLEMENTATION OF AGREEMENTS.—A Fed-  
17          eral agency that makes an agreement under subsections  
18          (a)(1)(B) and (b)(2) with the Administrator may carry out  
19          such agreement directly or by making grants to or con-  
20          tracts with public and private agencies, institutions, and  
21          organizations.

22          “(e) INFORMATION DISSEMINATION.—The Adminis-  
23          trator may—

24                  “(1) review reports and data relating to the ju-  
25                  venile justice system in the United States and in for-

1       eign nations (as appropriate), collect data and infor-  
2       mation from studies and research into all aspects of  
3       juvenile delinquency (including the causes, preven-  
4       tion, and treatment of juvenile delinquency) and se-  
5       rious crimes committed by juveniles;

6               “(2) establish and operate, directly or by con-  
7       tract, a clearinghouse and information center for the  
8       preparation, publication, and dissemination of infor-  
9       mation relating to juvenile delinquency, including  
10      State and local prevention and treatment programs,  
11      plans, resources, and training and technical assist-  
12      ance programs; and

13              “(3) make grants and contracts with public and  
14      private agencies, institutions, and organizations, for  
15      the purpose of disseminating information to rep-  
16      resentatives and personnel of public and private  
17      agencies, including practitioners in juvenile justice,  
18      law enforcement, the courts, corrections, schools,  
19      and related services, in the establishment, implemen-  
20      tation, and operation of projects and activities for  
21      which financial assistance is provided under this  
22      title.

23   **“SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.**

24              “(a) TRAINING.—The Administrator may—

1           “(1) develop and carry out projects for the pur-  
2       pose of training representatives and personnel of  
3       public and private agencies, including practitioners  
4       in juvenile justice, law enforcement, courts (includ-  
5       ing model juvenile and family courts), corrections,  
6       schools, and related services, to carry out the pur-  
7       poses specified in section 102; and

8           “(2) make grants to and contracts with public  
9       and private agencies, institutions, and organizations  
10      for the purpose of training representatives and per-  
11      sonnel of public and private agencies, including prac-  
12      titioners in juvenile justice, law enforcement, courts  
13      (including model juvenile and family courts), correc-  
14      tions, schools, and related services, to carry out the  
15      purposes specified in section 102.

16      “(b) TECHNICAL ASSISTANCE.—The Administrator  
17      may—

18           “(1) develop and implement projects for the  
19      purpose of providing technical assistance to rep-  
20      resentatives and personnel of public and private  
21      agencies and organizations, including practitioners  
22      in juvenile justice, law enforcement, courts (includ-  
23      ing model juvenile and family courts), corrections,  
24      schools, and related services, in the establishment,  
25      implementation, and operation of programs, projects,

1 and activities for which financial assistance is pro-  
2 vided under this title; and

3 “(2) make grants to and contracts with public  
4 and private agencies, institutions, and organizations,  
5 for the purpose of providing technical assistance to  
6 representatives and personnel of public and private  
7 agencies, including practitioners in juvenile justice,  
8 law enforcement, courts (including model juvenile  
9 and family courts), corrections, schools, and related  
10 services, in the establishment, implementation, and  
11 operation of programs, projects, and activities for  
12 which financial assistance is provided under this  
13 title.

14 “(c) TRAINING AND TECHNICAL ASSISTANCE TO  
15 MENTAL HEALTH PROFESSIONALS AND LAW ENFORCE-  
16 MENT PERSONNEL.—The Administrator shall provide  
17 training and technical assistance to mental health profes-  
18 sionals and law enforcement personnel (including public  
19 defenders, police officers, probation officers, judges, parole  
20 officials, and correctional officers) to address or to pro-  
21 mote the development, testing, or demonstration of prom-  
22 ising or innovative models (including model juvenile and  
23 family courts), programs, or delivery systems that address  
24 the needs of juveniles who are alleged or adjudicated delin-  
25 quent and who, as a result of such status, are placed in

1 secure detention or confinement or in nonsecure residen-  
2 tial placements.”.

3 **SEC. 12. DEMONSTRATION PROJECTS.**

4 Title II of the Juvenile Justice and Delinquency Pre-  
5 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended  
6 by inserting after part D, as added by section 11, the fol-  
7 lowing:

8 **“PART E—DEVELOPING, TESTING, AND DEM-**  
9 **ONSTRATING PROMISING NEW INITIATIVES**  
10 **AND PROGRAMS**

11 **“SEC. 261. GRANTS AND PROJECTS.**

12 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-  
13 trator may make grants to and contracts with States,  
14 units of general local government, Indian tribal govern-  
15 ments, public and private agencies, organizations, and in-  
16 dividuals, or combinations thereof, to carry out projects  
17 for the development, testing, and demonstration of prom-  
18 ising initiatives and programs for the prevention, control,  
19 or reduction of juvenile delinquency. The Administrator  
20 shall ensure that, to the extent reasonable and practicable,  
21 such grants are made to achieve an equitable geographical  
22 distribution of such projects throughout the United  
23 States.

1       “(b) USE OF GRANTS.—A grant made under sub-  
2 section (a) may be used to pay all or part of the cost of  
3 the project for which such grant is made.

4       **“SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.**

5       “The Administrator may make grants to and con-  
6 tracts with public and private agencies, organizations, and  
7 individuals to provide technical assistance to States, units  
8 of general local government, Indian tribal governments,  
9 local private entities or agencies, or any combination  
10 thereof, to carry out the projects for which grants are  
11 made under section 261.

12       **“SEC. 263. ELIGIBILITY.**

13       “To be eligible to receive a grant made under this  
14 part, a public or private agency, Indian tribal government,  
15 organization, institution, individual, or combination there-  
16 of shall submit an application to the Administrator at such  
17 time, in such form, and containing such information as  
18 the Administrator may reasonably require by rule.

19       **“SEC. 264. REPORTS.**

20       “Recipients of grants made under this part shall sub-  
21 mit to the Administrator such reports as may be reason-  
22 ably requested by the Administrator to describe progress  
23 achieved in carrying out the projects for which such grants  
24 are made.”.



1 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 299 of the Juvenile Justice and Delinquency  
3 Prevention Act of 1974 (42 U.S.C. 5671) is amended—

4 (1) by striking subsection (e), and

5 (2) by striking subsections (a), (b), and (c), and

6 inserting the following:

7 “(a) AUTHORIZATION OF APPROPRIATIONS FOR  
8 TITLE II (EXCLUDING PARTS C AND E).—(1) There are  
9 authorized to be appropriated to carry out this title such  
10 sums as may be appropriate for fiscal years 2002, 2003,  
11 2004, 2005, and 2006.

12 “(2) Of such sums as are appropriated for a fiscal  
13 year to carry out this title (other than parts C and E)—

14 “(A) not more than 5 percent shall be available  
15 to carry out part A;

16 “(B) not less than 80 percent shall be available  
17 to carry out part B; and

18 “(C) not more than 15 percent shall be avail-  
19 able to carry out part D.

20 “(b) AUTHORIZATION OF APPROPRIATIONS FOR  
21 PART C.—There are authorized to be appropriated to  
22 carry out part C such sums as may be necessary for fiscal  
23 years 2002, 2003, 2004, 2005, and 2006.

24 “(c) AUTHORIZATION OF APPROPRIATIONS FOR PART  
25 E.—There are authorized to be appropriated to carry out  
26 part E, and authorized to remain available until expended,

1 such sums as may be necessary for fiscal years 2002,  
2 2003, 2004, 2005, and 2006.”.

3 **SEC. 14. ADMINISTRATIVE AUTHORITY.**

4 Section 299A of the Juvenile Justice and Delin-  
5 quency Prevention Act of 1974 (42 U.S.C. 5672) is  
6 amended—

7 (1) in subsection (d) by striking “as are con-  
8 sistent with the purpose of this Act” and inserting  
9 “only to the extent necessary to ensure that there is  
10 compliance with the specific requirements of this  
11 title or to respond to requests for clarification and  
12 guidance relating to such compliance”, and

13 (2) by adding at the end the following:

14 “(e) If a State requires by law compliance with the  
15 requirements described in paragraphs (11), (12), and (13)  
16 of section 223(a), then for the period such law is in effect  
17 in such State such State shall be rebuttably presumed to  
18 satisfy such requirements.”.

19 **SEC. 15. USE OF FUNDS.**

20 Section 299C(c) of the Juvenile Justice and Delin-  
21 quency Prevention Act of 1974 (42 U.S.C. 5674(c)) is  
22 amended to read as follows:

23 “(c) No funds may be paid under this title to a resi-  
24 dential program (excluding a program in a private resi-  
25 dence) unless—

1           “(1) there is in effect in the State in which  
2           such placement or care is provided, a requirement  
3           that the provider of such placement or such care  
4           may be licensed only after satisfying, at a minimum,  
5           explicit standards of discipline that prohibit neglect,  
6           physical and mental abuse, as defined by State law;

7           “(2) such provider is licensed as described in  
8           paragraph (1) by the State in which such placement  
9           or care is provided; and

10           “(3) such provider satisfies the licensing stand-  
11           ards of each other State from which such provider  
12           receives a juvenile for such placement or such care,  
13           in accordance with the Interstate Compact on Child  
14           Placement as entered into by such other State.”.

15 **SEC. 16. LIMITATIONS ON USE OF FUNDS.**

16           Part F of title II of the Juvenile Justice and Delin-  
17           quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),  
18           as so redesignated by section 10, is amended adding at  
19           the end the following:

20 **“SEC. 299F. LIMITATIONS ON USE OF FUNDS.**

21           “None of the funds made available to carry out this  
22           title may be used to advocate for, or support, the unse-  
23           cured release of juveniles who are charged with a violent  
24           crime.”.

1 **SEC. 17. RULES OF CONSTRUCTION.**

2 Part F of title II of the Juvenile Justice and Delin-  
3 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),  
4 as so redesignated by section 10 and amended by section  
5 16, is amended adding at the end the following:

6 **“SEC. 299G. RULES OF CONSTRUCTION.**

7 “Nothing in this title or title I shall be construed—

8 “(1) to prevent financial assistance from being  
9 awarded through grants under this title to any oth-  
10 erwise eligible organization; or

11 “(2) to modify or affect any Federal or State  
12 law relating to collective bargaining rights of em-  
13 ployees.”.

14 **SEC. 18. LEASING SURPLUS FEDERAL PROPERTY.**

15 Part F of title II of the Juvenile Justice and Delin-  
16 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),  
17 as so redesignated by section 10 and amended by sections  
18 16 and 17, is amended adding at the end the following:

19 **“SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.**

20 “The Administrator may receive surplus Federal  
21 property (including facilities) and may lease such property  
22 to States and units of general local government for use  
23 in or as facilities for juvenile offenders, or for use in or  
24 as facilities for delinquency prevention and treatment ac-  
25 tivities.”.

1   **SEC. 19. ISSUANCE OF RULES.**

2           Part F of title II of the Juvenile Justice and Delin-  
3   quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),  
4   as so redesignated by section 10 and amended by sections  
5   16, 17, and 18, is amended adding at the end the fol-  
6   lowing:

7   **“SEC. 299I. ISSUANCE OF RULES.**

8           “The Administrator shall issue rules to carry out this  
9   title, including rules that establish procedures and meth-  
10   ods for making grants and contracts, and distributing  
11   funds available, to carry out this title.”.

12   **SEC. 20. CONTENT OF MATERIALS.**

13           Part F of title II of the Juvenile Justice and Delin-  
14   quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),  
15   as so redesignated by section 10 and amended by sections  
16   16, 17, 18, and 19, is amended by adding at the end the  
17   following:

18   **“SEC. 299J. CONTENT OF MATERIALS.**

19           “Materials produced, procured, or distributed both  
20   using funds appropriated to carry out this Act and for  
21   the purpose of preventing hate crimes that result in acts  
22   of physical violence, shall not recommend or require any  
23   action that abridges or infringes upon the constitutionally  
24   protected rights of free speech, religion, or equal protec-  
25   tion of juveniles or of their parents or legal guardians.”.

1 **SEC. 21. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) TECHNICAL AMENDMENTS.—The Juvenile Jus-  
3 tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
4 5601 et seq.) is amended—

5 (1) in section 202(b) by striking “prescribed for  
6 GS–18 of the General Schedule by section 5332”  
7 and inserting “payable under section 5376”,

8 (2) in section 221(b)(2) by striking the last  
9 sentence,

10 (3) in section 299D by striking subsection (d),  
11 and

12 (4) by striking titles IV and V, as originally en-  
13 acted by Public Law 93–415 (88 Stat. 1132–1143).

14 (b) CONFORMING AMENDMENTS.—(1) The Victims  
15 of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.)  
16 is amended—

17 (A) in section 214(b)(1) by striking “262, 293,  
18 and 296 of subpart II of title II” and inserting  
19 “299B and 299E”,

20 (B) in section 214A(c)(1) by striking “262,  
21 293, and 296 of subpart II of title II” and inserting  
22 “299B and 299E”,

23 (C) in section 217(c)(1) by striking “sections  
24 262, 293, and 296 of subpart II of title II” and in-  
25 serting “sections 299B and 299E”, and

1 (D) in section 223(c) by striking “section 262,  
2 293, and 296” and inserting “sections 262, 299B,  
3 and 299E”.

4 (2) Section 404(a)(5)(E) of the Missing Children’s  
5 Assistance Act (42 U.S.C. 5773) is amended by striking  
6 “section 313” and inserting “section 331”.

7 **SEC. 22. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

8 (a) EFFECTIVE DATE.—Except as provided in sub-  
9 section (b), this Act and the amendments made by this  
10 Act shall take effect on the date of the enactment of this  
11 Act.

12 (b) APPLICATION OF AMENDMENTS.—The amend-  
13 ments made by this Act shall apply only with respect to  
14 fiscal years beginning after September 30, 2001.

Passed the House of Representatives September 20,  
2001.

Attest:

JEFF TRANDAHL,

*Clerk.*